

AN ACT

relating to the unlawful use of a criminal instrument or mechanical security device; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 16.01, Penal Code, is amended to read as follows:

Sec. 16.01. UNLAWFUL USE OF CRIMINAL INSTRUMENT OR MECHANICAL SECURITY DEVICE. (a) A person commits an offense if:

(1) the person [~~he~~] possesses a criminal instrument or mechanical security device with the intent to use the instrument or device [~~it~~] in the commission of an offense; or

(2) with knowledge of its character and with the intent to use a criminal instrument or mechanical security device or aid or permit another to use the instrument or device in the commission of an offense, the person [~~he~~] manufactures, adapts, sells, installs, or sets up the [~~a criminal~~] instrument or device.

(b) For the purpose of this section:

(1) "Criminal [~~, — criminal~~] instrument" means anything, the possession, manufacture, or sale of which is not otherwise an offense, that is specially designed, made, or adapted for use in the commission of an offense.

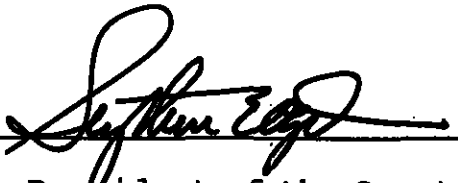
(2) "Mechanical security device" means a device designed or manufactured for use by a locksmith to perform services for a customer who seeks entry to a structure, motor vehicle, or

1 other property.

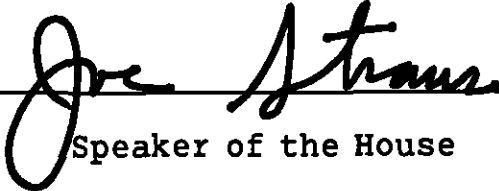
2 (c) An offense under Subsection (a)(1) is one category lower
3 than the offense intended. An offense under Subsection (a)(2) is a
4 state jail felony.

5 SECTION 2. The change in law made by this Act applies only
6 to an offense committed on or after the effective date of this Act.
7 An offense committed before the effective date of this Act is
8 governed by the law in effect on the date the offense was committed,
9 and the former law is continued in effect for that purpose. For
10 purposes of this section, an offense was committed before the
11 effective date of this Act if any element of the offense occurred
12 before that date.

13 SECTION 3. This Act takes effect September 1, 2011.

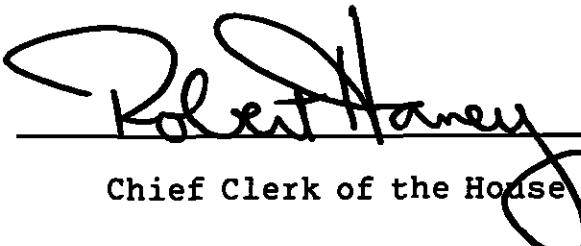


President of the Senate

H.B. No. 2577


Speaker of the House

I certify that H.B. No. 2577 was passed by the House on May 5, 2011, by the following vote: Yeas 146, Nays 0, 1 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 2577 was passed by the Senate on May 25, 2011, by the following vote: Yeas 31, Nays 0.



Secretary of the Senate

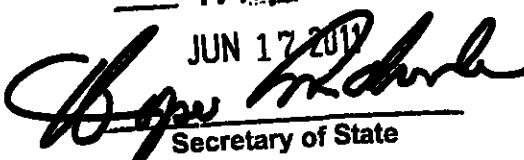
APPROVED: 17 JUN '11

Date



Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
— 4 PM — O'CLOCK

JUN 17 2011


Secretary of State